

### **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed May 2, 2007.

#### **I. Summary of Restriction Requirement**

Prior to the Restriction Requirement mailed May 2, 2007, claims 1, 2, 5-10, 12, 13, 16-21 and 27-30 were pending in the Application. In the Restriction Requirement, the Examiner restricted the claims to the following groups:

- Group I: Claims 1, 2, 5-10, 12, 13, 16-21, and 29-30, drawn to a system, and method for clustering high availability nodes not necessarily operatively communicating through a network, classified in class 705, subclass 50.
- Group II: Claims 27-28, drawn to a system for clustering nodes in a network, classified in class 709, subclass 223.

#### **II. Summary of Applicant's Amendment**

The present Response cancels without prejudice Claims 27 and 28, leaving for the Examiner's present consideration Claims 1, 2, 5-10, 12, 13, 16-21, and 29-30. Reconsideration of the Application as amended is respectfully requested.

#### **III. Election of Invention**

Applicant hereby elects Group I, Claims 1, 2, 5-10, 12, 13, 16-21, and 29-30 without traverse for present consideration. Claims 27-28 are withdrawn from present consideration at this time, and have been canceled. Applicant reserves the right to reinstate and/or to prosecute any withdrawn or canceled claims in a currently pending or future application.

**IV. Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and consideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned should he have any inquiries.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: May 17, 2007

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